

## **DECLARATION OF CONNOR THONEN-FLECK**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MAXWELL KADEL, *et al.*,

*Plaintiffs,*

v.

DALE FOLWELL, in his official capacity as  
State Treasurer of North Carolina, *et al.*,

*Defendants.*

No. 1:19-cv-00272-LCB-LPA

**DECLARATION OF CONNOR  
THONEN-FLECK**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am a plaintiff in the above-captioned action. I have actual knowledge of the matters stated in this declaration.
2. I am a 19-year-old man.
3. I am also transgender. This means that although I was designated “female” at birth, I have a male gender identity.
4. I am a college sophomore at the North Carolina State University. I have long been passionate about veterinary science, and am currently working on a double-major in Animal Science and Biochemistry to prepare for veterinary school.
5. I struggled with gender dysphoria since childhood. I demonstrated stereotypically masculine tendencies and characteristics from a young age. But until I began to transition, I was in serious and increasing distress, to the point that I experienced

suicidal ideation because of untreated gender dysphoria. Ultimately, I came out as transgender to my family and explained my need to transition.

6. My family and I did some research and learned that there were medical professionals we could consult with about the proper treatment for me. I initially began seeing a psychiatrist and therapist. By the time I was 15 years old, I had socially transitioned and was living in my authentic male gender identity in all aspects of my life.

7. In January of 2018, I began hormone therapy as part of treatment for my gender dysphoria. I did not undertake this decision lightly, and had been considering hormone therapy for many months prior to initiating that care. My doctors provided information so that my parents and I could make an informed decision that was right for me regarding whether to receive hormones. My parents both believed, based on my symptoms of gender dysphoria, and the advice and expertise of my treating doctors, that hormone therapy was the best treatment option for me. In fact, it was life-changing for me, and the anxiety and depression I had experienced without treatment began to lift.

8. I continued my transition so that all aspects of my life were aligned with my male gender identity. In March of 2018, I obtained a legal name and gender marker change and subsequently obtained a corrected birth certificate and driver's license.

9. Although counseling, hormone therapy, and social transition significantly improved my quality of life, I still experienced significant gender dysphoria on a daily basis because I did not have a typically male chest.

10. As part of treatment for my gender dysphoria, my health care providers recommended chest surgery that would give me a more typical male chest. This surgery was medically necessary, including to bring my body into better alignment with my gender identity and lived experience and further reduce my symptoms of gender dysphoria.

11. My father, Jason Fleck, is a North Carolina state employee, and is enrolled for health coverage through NCSHP. As my father's dependent, I also am enrolled in health coverage through NCSHP.

12. In 2018, my father and I were both enrolled in the 80/20 Health Plan offered through NCSHP. My father and I struggled after that point to obtain coverage of my required office visits to my endocrinologist, who prescribes and monitors my masculinizing hormone therapy. My understanding is that because I received that care in connection with my gender dysphoria, insurance coverage for those visits has been inconsistent, and in some instances denied. Where coverage has been denied, my father and I have been left with full financial responsibility for the cost of the care.

13. My family and I have done our best to access medically necessary health care, but paying out-of-pocket for health care that has been denied under the plan has been an emotional and financial burden on me and my parents. This became even more stressful after we had to pay out-of-pocket for chest surgery for me, since living indefinitely without it had become unbearable for me.

14. Before obtaining that surgery, I lived with daily distress caused by not having a typically male chest, and urgently required gender-confirming surgery to treat my

symptoms of gender dysphoria. My parents and I could not easily afford to pay for the surgery out of pocket, as it imposed a financial hardship on us. As a result, even with my full academic workload, I took on a part-time job during high school in an effort to earn and save money so that I could contribute to the out-of-pocket costs for my surgery. This mean that, as a 16-year-old, I needed to work a job in addition to my schoolwork so that I could help pay for my own medical care.

15. My family witnessed my daily distress due to my inability to access health insurance coverage for medically necessary care and were worried about the effects my untreated gender dysphoria had on my mental and physical health, my education, and my future plans.

16. We finally saved enough for me to undergo surgery on May 28, 2019. Although shouldering that expense was stressful for me and my parents, I felt like my life was opening up, and I was much more at ease with myself and with other people in social situations. The relief the surgery provided me from my gender dysphoria was critical for my ongoing development and functioning as a young adult.

17. I require ongoing access to hormone therapy as treatment for gender dysphoria. I also anticipate needed additional surgery in the future, including for example a hysterectomy. Without access to health coverage, however, it is difficult to imagine when I can afford that surgery on my own.

I declare under the penalty of perjury that the foregoing is true and correct.

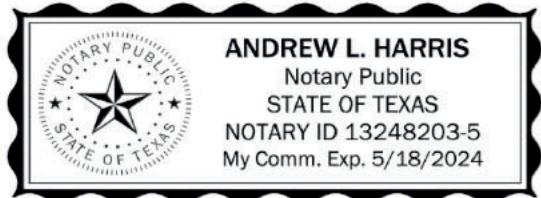
Dated: November 15th, 2021



Connor Thonen-Fleck

State of Texas

County of Tarrant



This notarial act was an online notarization

Sworn and subscribed before me on November 15, 2021 by Connor Thonen-fleck. This notarial act was an online notarization.

## CERTIFICATE OF SERVICE

I certify that the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to all registered users.

Dated: November 30, 2021

/s/ Amy E. Richardson  
Amy E. Richardson  
N.C. State Bar No. 28768  
HARRIS, WILTSIRE & GRANNIS LLP  
1033 Wade Avenue, Suite 100  
Raleigh, NC 27605-1155  
Telephone: 919-429-7386  
Facsimile: 202-730-1301  
arichardson@hwglaw.com

*Counsel for Plaintiffs*